

**MINUTES OF A REGULAR MEETING OF THE  
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA  
SEPTEMBER 17, 2014**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, September 17, 2014, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

**Call to Order.** Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

**Roll Call.**

Clerk-Treasurer Juanita S. Boehm called the roll.

|                                  |         |
|----------------------------------|---------|
| Mayor Terry Seitz                | Present |
| Council members:                 |         |
| Gregory Schnarr                  | Present |
| David Prechtel                   | Present |
| Thomas Schmidt                   | Present |
| Earl Schmitt                     | Present |
| Kevin Manley                     | Present |
| Randall Buchta                   | Present |
| Raymond Howard                   | Present |
| City Attorney Renee Kabrick      | Present |
| Clerk-Treasurer Juanita S. Boehm | Present |

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

**Pledge of Allegiance.** Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

**Approval of the Minutes.**

The following minutes were distributed to and examined by the Council:

1. August 20, 2014 regular common council meeting
2. September 4, 2014 budget pre-adoption public hearing
3. July 24, 2014 special meeting to discuss the 2015 budget

A **motion** was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to approve the three sets of minutes as presented. Motion carried 7-0.

**Public hearing.** Mayor Seitz then opened the public hearing concerning the petition of Duane and Jane Flannagan to vacate a 20 ft public utility and drainage easement situated along the 225 foot southeasterly line of Lot 1 of Hillside Acres II.

A notice appeared in the Herald on September 5, 2014, was posted at city hall and faxed to the news media.

Phil Buehler with Brosmer Land Surveying and representing Duane and Jane Flannagan said there are no utilities in the easement. He also said the Flannagans have a potential buyer for the lot and since the property is zoned R-2 there is a minimum side yard setback of eight feet. Because of how the potential buyer has designed the location of a house on the lot, they need to vacate the easement.

Buehler said he met with the engineering department and addressed their concerns about the emergency spillway easement. To resolve the concerns, the Flannagans signed a letter stating they will dedicate a new spillway easement to the City.

Mayor Seitz asked for public comments. No comments were received.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Gregory Schnarr to close the public hearing. Motion carried 7-0 and the public hearing was closed.

#### **ORDINANCE NO. 2014-18 AN ORDINANCE VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT**

This ordinance vacates a 20 ft public utility and drainage easement situated along the 225 foot southeasterly line of Lot 1 of Hillside Acres II. Petition filed by Duane and Jane Flannagan.

A motion was made by Council member Raymond Howard and seconded by Council member David Prechtel to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Kevin Manley to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Randall Buchta to pass and adopt Ordinance No. 2014-18. Motion carried 7-0.

**Public hearing.** Mayor Seitz then opened the public hearing concerning the petition of George W. Gramelspacher and Anthony and Christy Ahrens to vacate the south 10 feet of the existing 20 ft public utility and drainage easement in Lots 1, 2, and 3 of the Orchard Hill subdivision.

A notice appeared in the Herald on September 5, 2014, was posted at city hall and faxed to the news media.

Phil Buehler with Brosmer Land Surveying and representing George W. Gramelspacher and Anthony and Christy Ahrens explained the location of the easement. If this easement is vacated, the petitioners are proposing to dedicate another easement to the City. Buehler explained that they are actually taking the existing easement and shifting the easement 10 feet to the north.

Mayor Seitz asked for public comments. No comments were received.

Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member Randall Buchta to close the public hearing. Motion carried 7-0 and the public hearing was closed.

### **ORDINANCE NO. 2014-19 AN ORDINANCE VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT**

This ordinance vacates the south 10 feet of the existing 20 ft public utility and drainage easement in Lots 1, 2, and 3 of the Orchard Hill subdivision. Petition filed by George Gramelspacher and Anthony and Christy Ahrens.

A motion was made by Council member David Prechtel and seconded by Council member Kevin Manley to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Earl Schmitt to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member David Prechtel to pass and adopt Ordinance No. 2014-19. Motion carried 7-0.

**Utility Service Board.** General Manager of Utilities Gerald ‘Bud’ Hauersperger gave a report on the regular monthly Utility Service Board meeting held on September 15, 2014. A copy of the Utility Service Board minutes is supplied to each council member. He also gave an update on the boil order that went into effect today for Jasper and Ireland water utility customers.

Mayor Seitz thanked the school for using its call out system regarding this matter, the public for adapting to the boil order, and to those working on and assisting with this matter.

### **Presentation by Pete Schwiegerhaut with Miller-Valentine about former JOFCO building development.**

Pete Schwiegerhaut with Miller-Valentine distributed a copy of the proposed floor plans for the renovation of the former JOFCO building into a housing project. The plans show 80 units, 20 on each floor, but they are targeting 67 units instead of the 80 units. They are applying for tax credits and the application is scored by points. Approval of two components is needed from the council. He said they created a local plan and the council needs to recognize it by adopting the plan through a resolution. City Attorney Renee Kabrick explained that through the resolution the council is certifying that their plan complies with our comprehensive plan. Schwiegerhaut said there are also local incentive points. The City needs to prepare a letter stating what kind of incentive the City will offer. He said the letter is needed by November 3, 2014 when the application is due. There are two types of local incentives, offsite incentives and onsite incentives. He is asking for a \$50,000 investment in the area towards the offsite incentive. This could be in-kind for such things as culvert work or installation of

sidewalks. He is also asking for \$400,000 to \$500,000 for the onsite incentive. This could be in the form of cash, tax abatement, or TIF. He does not need a decision tonight but would like the council to consider authorizing the mayor to do the letter and have it ready by the end of October.

**RESOLUTION NO. 2014-12 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, IN CONFIRMING COMPLIANCE WITH COMPREHENSIVE PLAN AND DOWNTOWN AND RIVERFRONT MASTER PLAN**

This resolution supports the redevelopment plan for the property located and 13<sup>th</sup> and Vine Streets—former JOFCO building.

A motion was made by Council member Gregory Schnarr and seconded by Council member David Prechtel to consider the resolution for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Thomas Schmidt seconded by Council member Earl Schmitt to read the resolution by title only. Motion carried 7-0. The city attorney so read the resolution. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Resolution No. 2014-12. Motion carried 7-0.

**Local incentive for former JOFCO building development.** After some discussion regarding the local incentives and the letter that is needed with the application for tax credits that Pete Schwiegerhaut asked for, City Attorney Renee Kabrick said the council needs to approve further discussion on the type of local incentives and to work with Pete Schwiegerhaut to develop a letter about what the City will offer for such incentives. Thereafter a motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to give such approval. Motion carried 7-0.

**ORDINANCE NO. 2014-12 AN ORDINANCE AMENDING ORDINANCE NO. 2002-54 ENTITLED AN ORDINANCE ESTABLISHING FEES FOR ACTIVITIES OF THE JASPER DEPARTMENT OF PARKS AND RECREATION**

This ordinance adds a fee of \$25 per game for baseball/softball tournaments at the sports complex for groups not local to Jasper.

This ordinance was tabled at the July 23, 2014 meeting.

A motion was made by Council member Earl Schmitt and seconded by Council member Thomas Schmidt to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Earl Schmitt to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member David Prechtel to pass and adopt Ordinance No. 2014-12. Motion carried 7-0.

**Ordinance No. 2014-14 AN ORDINANCE APPROPRIATING  
ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA FOR  
THE REMAINDER OF THE YEAR ENDING DECEMBER 31, 2014**

This ordinance appropriates additional money for the 2014 budget.

A notice to taxpayers appeared in the Herald on August 28, 2014. First reading was held on August 20, 2014.

Mayor Seitz asked for public comments. No comments were received.

A motion was made by Council member David Prechtel and seconded by Council member Thomas Schmidt to read the ordinance by title only on second reading. Motion carried 7-0. City Attorney Renee Kabrick so read the ordinance. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Randall Buchta to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Thomas Schmidt and seconded by Council member Raymond Howard to have the ordinance read by title only on the third and final reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Raymond Howard to approve Ordinance No. 2014-14 on the third and final reading. Motion carried 7-0.

**Ordinance No. 2014-15 AN ORDINANCE APPROPRIATING MONEY  
FOR THE CITY OF JASPER, INDIANA FOR THE YEAR 2015**

This ordinance appropriates funds for the 2015 budget.

First reading was held on August 20, 2014 and a public hearing was held on September 4, 2014.

A motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to read the ordinance by title only on second reading. Motion carried 7-0. City Attorney Renee Kabrick so read the ordinance. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Gregory Schnarr to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Gregory Schnarr and seconded by Council member Kevin Manley to have the ordinance read by title only on the third and final reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Earl Schmitt to approve Ordinance No. 2014-15 on the third and final reading. Motion carried 7-0.

**Ordinance No. 2014-16 AN ORDINANCE LEVYING TAXES AND  
FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER,  
INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015**

This ordinance contains the advertised tax rate for the 2015 budget. The total advertised rate is .9630 based on 729,000,000 assessed value which is 85% of last year's AV.

First reading was held on August 20, 2014.

A motion was made by Council member David Prechtel and seconded by Council member Thomas Schmidt to read the ordinance by title only on second reading. Motion carried 7-0. City Attorney Renee Kabrick so read the ordinance. Thereafter, a motion was made by Council member Raymond Howard and seconded by Council member Randall Buchta to approve the ordinance on second reading. Motion carried 7-0.

A motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to have the ordinance read by title only on the third and final reading. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to approve Ordinance No. 2014-16 on the third and final reading. Motion carried 7-0.

**ORDINANCE NO. 2014-20 AN ORDINANCE AMENDING ORDINANCE  
NO. 2010-7 ENTITLED AN ORDINANCE SETTING FORTH  
WASTEWATER PRETREATMENT REQUIREMENTS FOR USERS OF  
THE CITY OF JASPER'S WASTEWATER TREATMENT WORKS**

This ordinance amends the wastewater pretreatment ordinance to add changes requested by the United States Environmental Protection Agency.

City Attorney Renee Kabrick explained why this ordinance amendment is needed.

A motion was made by Council member Raymond Howard and seconded by Council member Randall Buchta to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member David Prechtel to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2014-20. Motion carried 7-0.

**ORDINANCE NO. 2014-21 AN ORDINANCE AMENDING SECTION 6(1)  
OF ORDINANCE NO. 546 ENTITLED AN ORDINANCE PROVIDING  
FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS  
OF THE CITY OF JASPER, INDIANA—STOP INTERSECTIONS  
DESIGNATED**

This ordinance adds the stop intersection—Kunkel Ave (North) at Pleasant View Drive—one way stop.

A motion was made by Council member Gregory Schnarr and seconded by Council member Thomas Schmidt to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member David Prechtel and seconded by Council member Kevin Manley to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Raymond Howard to pass and adopt Ordinance No. 2014-21. Motion carried 7-0.

**ORDINANCE NO. 2014-22 AN ORDINANCE AMENDING ORDINANCE NO. 2011-7 ENTITLED AN ORDINANCE PROVIDING FOR THE OPERATION OF A NATURAL GAS SYSTEM OWNED BY THE CITY OF JASPER, INDIANA, AND FIXING A SCHEDULE OF REVISED RATES AND CHARGES FOR THE SALE OF GAS BY THE JASPER MUNICIPAL GAS UTILITY**

This ordinance extends the gas utility to the Whoderville area.

A motion was made by Council member David Prechtel and seconded by Council member Raymond Howard to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Thomas Schmidt to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to pass and adopt Ordinance No. 2014-22. Motion carried 7-0.

**Amendment to the zoning ordinance/Ordinance No. 2014-23**

A notice of intent to consider a proposal was faxed to the news media and posted at city hall.

City Attorney Renee Kabrick explained the reason for this ordinance. She also said a few minor changes were made to the proposed ordinance since the plan commission gave a favorable recommendation to the council regarding this amendment to the zoning ordinance.

Mayor Seitz said the council needs to consider the City of Jasper's proposal concerning an amendment to the Zoning Ordinance that Repeals Ordinance No. 1994-30 and revises the Flood Hazard Area Chapter of the Zoning Ordinance,

The options are to: [1]accept the proposal, [2]reject the proposal, [3]amend the proposal, or [4]not act on the proposal.

A motion was made by Council member Kevin Manley and seconded by Council member Raymond Howard to accept the proposal as certified by the Plan

Commission to amend the text and thereby adopt the zoning ordinance as amended. Motion carried 7-0.

The ordinance was referenced Ordinance No. **2014-23**.

**Update on property approved to sell.** City Attorney Renee Kabrick gave a status report on the sale of the 30<sup>th</sup> Street Park property, the Lechner property, and the Truman Road property. Brosmer Land Surveying surveyed these properties and this afternoon there was a meeting to review these surveys. Kabrick then informed the council of the results of that meeting. She said the City also owns about four-tenths of an acre of land that was donated to the City and is located near the Truman Road property. In order to sell that land, she needs approval to go ahead and get appraisals and get the area surveyed.

At the July 24, 2014 budget meeting, the council members suggested the city attorney look into the possibility of selling the land by the State police post that is no longer used for ball games and the lot by Headquarters Restaurant. Kabrick said she also needs approval to get appraisals and get the area surveyed before the City can sell the parking lot near Headquarters Restaurant. Council member Gregory Schnarr asked about the land by the State police post. Council member Kevin Manley said when that area was researched, the State of Indiana owns that section of land that was used for ball games and the City mows the property. The City only owns the area that has the playground equipment on it.

A motion was made by Council member Kevin Manley and seconded by Council member Randall Buchta to grant staff permission to proceed with selling the south parking lot near Headquarters Restaurant and the approximate four-tenths acre near Truman Road. Motion carried 7-0.

**Adjournment.** There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:40 p.m.

The minutes were hereby approved \_\_\_\_\_ with   X   without corrections or clarification this 22<sup>nd</sup> day of October, 2014.

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**Mayor Terry Seitz**  
**Presiding Officer**

**Attest:** \_\_\_\_\_  
**Juanita S. Boehm, Clerk-Treasurer**